

1 **BILL NO. R-93-12-08**

2  
3 Resolution No. R-65-93

4  
5 **A RESOLUTION, adopting the International City**  
6 **Management Association and the United States**  
7 **Conference of Mayors deferred compensation (Section**  
8 **457) plans for the voluntary participation of all eligible**  
9 **City employees, elected officials, and independent**  
10 **contractors.**

11 **WHEREAS,** the establishment of additional deferred compensation plans to be  
12 made available to all eligible city employees, elected officials, and independent  
13 contractors provides reasonable retirement security for such individuals by providing  
14 increased flexibility in the personnel management system; and,

15 **WHEREAS,** certain substantial tax benefits could accrue to employees, elected  
16 officials, and independent contractors participating in said deferred compensation plans;  
17 and,

18 **WHEREAS,** the establishment of additional deferred compensation plans can  
19 assist in the attraction and retention of competent personnel; and

20 **WHEREAS,** such benefits will act as incentives to City employees to voluntarily  
21 set aside and invest portions of the current income to meet their future financial  
22 requirements and supplement their Public Employees Retirement Fund benefit and  
23 Social Security (if applicable) at no cost to the City.

24 **NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE**  
25 **CITY OF FORT WAYNE,**

26 **Section 1.** That the City of Fort Wayne hereby adopts deferred  
27 compensation plans of the International City Management Association (ICMA)  
28 Retirement Corporation and the United States Conference of Mayors Deferred  
29 Compensation Program.

30 **Section 2.** That the Director of Finance and Administration for the City  
31 of Fort Wayne shall be the coordinator of the deferred compensation plans representing  
32 the City of Fort Wayne.

**Section 3.** That the Director of Finance and Administration for the City of Fort  
Wayne is hereby authorized to execute for the City, all necessary participation

1 agreements incidental to the administration of the plans.

2 **Section 4.** Exhibits A and B attached hereto, and made a part hereof,  
3  
4 are approved by the Common Council of the City of Fort Wayne.

5 **Section 5.** That, if any section, clause, sentence, paragraph, part, or  
6 provision of this resolution be found invalid or void by a Court of competent jurisdiction,  
7 it shall be conclusively presumed that this resolution would have been passed by the  
8 Common Council without such invalid section, clause, paragraph, part, or provision and  
9 the remaining part of the resolution will remain in effect.

10 **Section 6.** That this resolution shall be in full force and effect from and  
11 after its passage and any necessary approval by the Mayor.  
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13  
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15 \_\_\_\_\_  
16 Council Member

17 APPROVED AS TO FORM AND LEGALITY

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20 \_\_\_\_\_  
21 J. Timothy McCaulay, City Attorney  
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# SUGGESTED RESOLUTION FOR A LEGISLATIVE BODY RELATING TO A DEFERRED COMPENSATION PLAN

Name of Employer: City of Fort Wayne State: Indiana

Title of Program Coordinator: Director of Finance & Administration  
(see definition below for duties of Program Coordinator)

Resolution of the above named Employer ("Employer")

WHEREAS, the Employer has employees rendering valuable services; and

WHEREAS, the establishment of a deferred compensation plan for such employees serves the interests of the Employer by enabling it to provide reasonable retirement security for its employees, by providing increased flexibility in its personnel management system, and by assisting in the attraction and retention of competent personnel; and

WHEREAS, the Employer has determined that the establishment of a deferred compensation plan to be administered by the ICMA Retirement Corporation serves the above objectives; and

WHEREAS, the Employer desires that its deferred compensation plan be administered by the ICMA Retirement Corporation, and that the funds held under such plan be invested in the ICMA Retirement Trust, a trust established by public employers for the collective investment of funds held under their retirement and deferred compensation plans;

NOW THEREFORE BE IT RESOLVED that the Employer hereby adopts or has previously adopted the deferred compensation plan (the "Plan") in the form of: (Select one)

x The ICMA Retirement Corporation Deferred Compensation Plan, referred to as Appendix A

     The plan provided by the Employer (executed copy attached hereto).

BE IT FURTHER RESOLVED that the Director of Finance and Administration (use title of official, not name) shall be the coordinator for this program; shall receive necessary reports, notices, etc. from the ICMA Retirement Corporation or the ICMA Retirement Trust; shall cast, on behalf of the Employer, any required votes under the ICMA Retirement Trust; Administrative duties to carry out the plan may be assigned to the appropriate departments, and is authorized to execute all necessary agreements with ICMA Retirement Corporation incidental to the administration of the Plan.

I, Sandra E. Kennedy, Clerk of the (City, County, etc.) of Fort Wayne, do hereby certify that the foregoing resolution, proposed by, in the (Council Member, Board, etc.) of Lunsey was duly passed and adopted in the (Council, Board, etc.) of the (City, County, etc.) of Fort Wayne at regular meeting thereof assembled this 14th day of December, 19 93, by the following vote:

AYES: 9

NAYS: 0

ABSENT: 0

(Seal)

Sandra E. Kennedy  
Clerk of the (City, County, etc.)

**THE UNITED STATES CONFERENCE OF MAYORS (USCM)  
DEFERRED COMPENSATION PROGRAM**

**SAMPLE RESOLUTION OF THE COUNCIL OF THE CITY OF** FORT WAYNE

In the Matter of: ESTABLISHING A DEFERRED COMPENSATION  
PLAN FOR THE CITY OF: FORT WAYNE

No. \_\_\_\_\_

I, Sandra E. Kennedy, City Clerk of the City of Fort Wayne, State of Indiana, do hereby certify that the following resolution, proposed by Councilmember Achie Lunsey, seconded by Councilmember Fort Wayne, was duly passed and adopted by the Council of the City of Fort Wayne, at a regular meeting thereof assembled this 14th day of December, 19 93, by the following vote, to wit:

AYES: 9 COUNCILMEMBERS: Lunsey, Schmidt, Henry

NOES: Long, Ha, Quarta, Edmonds

ABSENT: Bradbury, Raine, Talano

Sandra E. Kennedy, City CLERK (AD)  
CITY OF Fort Wayne

**WHEREAS**, the City has considered the establishment of a Deferred Compensation Plan to be made available to all eligible city employees, elected officials, and independent contractors pursuant to Federal legislation permitting such Plans; and

**WHEREAS**, certain substantial tax benefits could accrue to employees, elected officials, and independent contractors participating in said Deferred Compensation Plans; and

**WHEREAS**, such benefits will act as incentives to City employees to voluntarily set aside and invest portions of the current income to meet their future financial requirements and supplement their City retirement and Social Security (if applicable), at no cost to the City; and

**WHEREAS**, The U.S. Conference of Mayors has established a master prototype deferred compensation program for cities and political subdivisions permitting its member cities and their employees to enjoy the advantages of this program;

**WHEREAS**, The U.S. Conference of Mayors, as Plan Administrator, agrees to hold harmless and indemnify the City, its appointed and elected officers and participating employees from any loss resulting from The U.S. Conference of Mayors or its Agent's failure to perform its duties and services pursuant to The U.S. Conference of Mayors Program;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF** Fort Wayne  
**DOES HEREBY RESOLVE AS FOLLOWS:**

The City Council hereby adopts the U.S. Conference of Mayors Deferred Compensation Program and its attendant investment options and hereby establishes the City of Fort Wayne Deferred Compensation Plan for the voluntary participation of all eligible city employees, elected officials and independent contractors.

Director of Finance

The and Administration is hereby authorized to execute for the City, individual participation agreements with each said employee requesting same, and to act as the "Administrator" of the Plan representing the City, and to execute such agreements and contracts as are necessary to implement the Program. It is implicitly understood that other than the incidental expenses of collecting and disbursing the employee's deferrals and other minor administrative matters, that there is to be no cost to the City for the Program.

PASSED AND ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 19 \_\_\_\_.

Paul Helmke  
MAYOR

FORT WAYNE

CITY

ATTEST: [Signature] CITY COORDINATOR, CITY OF Fort Wayne

\*This resolution contains the necessary technical language as to content and substance. If any change in form is necessary in order to comply with applicable city requirements, please make such changes.

Read the first time in full and on motion by Lunsey, seconded by \_\_\_\_\_, and duly adopted, read the second time by title and referred to the Committee on Finance (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Common Council Conference Room 128, City-County Building, Fort Wayne, Indiana, on \_\_\_\_\_, the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M., E.S.T.

DATED: 12-14-93

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Lunsey, seconded by \_\_\_\_\_, and duly adopted, placed on its passage. PASSED ~~LOST~~ by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT
TOTAL VOTES	<u>9</u>			
BRADBURY	<u>✓</u>			
EDMONDS	<u>✓</u>			
GiaQUINTA	<u>✓</u>			
HENRY	<u>✓</u>			
LONG	<u>✓</u>			
LUNSEY	<u>✓</u>			
RAVINE	<u>✓</u>			
SCHMIDT	<u>✓</u>			
TALARICO	<u>✓</u>			

DATED: 12-14-93

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) ~~(GENERAL)~~

(SPECIAL) ~~(ZONING)~~ ORDINANCE RESOLUTION NO. R-65-93

on the 14th day of December, 1993

ATTEST:

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

(SEAL)  
Mark C. GiaQuinta  
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 15th day of December, 1993, at the hour of 2:00 o'clock P, M., E.S.T.

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 16th day of December, 1993, at the hour of 11:15 o'clock P, M., E.S.T.

Paul Helmke  
PAUL HELMKE, MAYOR



# THE CITY OF FORT WAYNE




Paul Helmke  
Mayor

R-93-12-08

## DIVISION OF FINANCE AND ADMINISTRATION CITY COUNCIL RESOLUTION COVER LETTER

**To:** City Council Members

**From:** Douglas M. Lehman, City Controller 

**Date:** December 6, 1993

**Subject:** Additional Deferred Compensation Plan Offerings

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The City operates a deferred compensation plan for its employees. The plan is based on the 401(K)-equivalent Internal Revenue Code Section for state and local governments, Section 457. Currently, the City offers a Section 457 plan through Lincoln National Corporation. We have about 500 participants at present (30% of all employees). Plan assets will exceed \$3 million by the end of 1993.

In addition to that plan offering, we would like to offer both the US Conference of Mayors Plan and the ICMA (International City Management Association) Plan. Both plans offer no exit fees and a wide array of mutual fund choices for employees. Since we have a number of employees with assets in both plans from prior employment situations, this change would offer these employees the ability to consolidate their assets.

In summary, adding these two plans would give a number of employees both plan and asset portability relative to prior employment situations and offer all employees a wider array of choices. There is no cost to the City of Fort Wayne or the employees for participation in these plans.

Admn. Appr. \_\_\_\_\_

**DIGEST SHEET**

**TITLE OF ORDINANCE** International City Management Association and United States Conference of Mayors deferred compensation plans participation.

**DEPARTMENT REQUESTING ORDINANCE** Controller's Office

**SYNOPSIS OF ORDINANCE** Allows City employees, elected officials, and independent contractors to voluntarily participate in the ICMA and USCM deferred compensation plans.

**EFFECT OF PASSAGE** ICMA and USCM plans are made available to employees, elected officials, and independent contractors, in addition to the current plan through Lincoln Life.

**EFFECT OF NON-PASSAGE** ICMA and USCM plans are not made available to employees, elected officials, and independent contractors.

**MONEY INVOLVED (Direct Cost, Expenditures, Savings)** n/a

**ASSIGNED TO COMMITTEE** \_\_\_\_\_

\_\_\_\_\_

BILL NO. R-93-12-08

REPORT OF THE COMMITTEE ON  
FINANCE

ARCHIE L. LUNSEY & DONALD J. SCHMIDT - CO-CHAIRPERSONS  
HENRY, EDMONDS, LONG

WE, YOUR COMMITTEE ON FINANCE TO WHOM WAS

REFERRED AN (~~ORDINANCE~~) (RESOLUTION) adopting the International  
City Management Association and the United States Conference  
of Mayors deferred compensation (Section 457) plans for the  
voluntary participation of all eligible City employees, elected  
officials, and independent contractors.

HAVE HAD SAID (ORDINANCE) (RESOLUTION) UNDER CONSIDERATION  
AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID  
(ORDINANCE) (RESOLUTION) \_\_\_\_\_

DO PASS

DO NOT PASS

ABSTAIN

NO REC

*[Handwritten signatures and initials in the "DO PASS" column]*  
*Edmunds*

DATED: 12-14-93

Sandra E. Kennedy  
City Clerk